

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

KAYLIN NICOLE LAFLEUR,
JUSTIN MICHAEL DUHON,
Individually and on behalf of their minor
Children, J'KAYLIN MICAH DUHON,
KAITLYN JADE DUHON, and JUSTIN
MICHAEL DUHON, JR.

CIVIL ACTION NO.:

VERSUS

JUDGE

TRISURA SPECIALTY INSURANCE
COMPANY, GREGPOL EXPRESS, INC.,
AND JOSE PEREZ

MAGISTRATE JUDGE:

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, defendants, TRISURA SPECIALTY INSURANCE COMPANY, GREGPOL EXPRESS, INC. and JOSE PEREZ, (hereinafter, "Defendants"), hereby remove to this Court the matter *Kaylin Nicole Lafleur, Justin Michael Duhon, individually and on behalf of their minor children, J'Kaylin Micah Duhon, Kaitlyn Jade Duhon, and Justin Michael Duhon, Jr.*, No. 2022-293-B, 14th Judicial District Court, Calcasieu Parish, Louisiana. Defendants remove this matter on the basis of this Court's original diversity jurisdiction under 28 U.S.C. § 1332(a). Complete diversity exists, and the amount in controversy exceeds \$75,000, exclusive of costs and interest. In support of removal, Defendants state as follows:

I. THE STATE COURT ACTION

1. On January 26, 2022, Kaylin Nicole LaFleur and Justin Michael Duhon, individually and on behalf of their minor children, J'Kaylin Micah Duhon, Kaitlyn Jade Duhon, and Justin Michael Duhon, Jr., (hereinafter "Plaintiffs"), filed a petition for damages in the matter styled *Richard Kaylin Nicole Lafleur, Justin Michael Duhon, individually and on behalf of*

their minor children, J'Kaylin Micah Duhon, Kaitlyn Jade Duho, and Justin Michael Duhon, Jr., No. 2022-293-B, 14th Judicial District Court, Calcasieu Parish, Louisiana, (hereinafter “the State Court Action), naming Trisura Specialty Insurance Company, Gregpol Express, Inc., and Jose Perez.

2. Plaintiffs requested service via the Louisiana Secretary of State to Defendants, Trisura Specialty Insurance Company.
3. Plaintiffs requested service via the Louisiana Long-Arm Statute to Gregpol Express Inc., and Jose Perez
4. In accordance with 28 U.S.C. § 1446(a), and as noted in the attached index, the following documents are attached to this Notice of Removal:

Exhibit A: Plaintiff's Petition for Damages filed January 26, 2022

Exhibit B: Louisiana Civil Case Reporting Cover Sheet filed January 26, 2022

Exhibit C: Request for Written Notice of Any Assignment and Written Notice of any Order of Judgment made or Rendered dated January 26, 2022

5. In accordance with Local Rule LR 5.6, which requires that a non-governmental corporate party to an action file a statement identifying all its parent corporations and any publicly traded company that owns ten (10) percent or more of the party's stock “as soon as possible,” Defendants shall file a Corporate Disclosure Statement.

II. ORIGINAL SUBJECT MATTER JURISDICTION

6. This court has original diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a). Complete diversity of citizenship exists, and the amount in controversy exceeds the sum of \$75,000 exclusive of costs and interest. Complete diversity of citizenship existed at the time Plaintiff filed the State Court Action and exists at the time of this

removal. Thus, the State Court Action may be removed to this court pursuant to 28 U.S.C. § 1441(a).

A. Diversity of Citizenship

7. Complete diversity of citizenship exists between Plaintiff and Defendants as Plaintiffs and Defendants are citizens of, residents of, and domiciled in different states.

i. Citizenship of Plaintiffs

8. Plaintiffs, Kaylin Nicole LaFleur and Justin Michael Duhon, are both individuals of the age of majority residing in and domiciled in the state of Louisiana. As such, Kaylin Nicole LaFleur and Justin Michael Duhon, are both citizens of Louisiana.

ii. Citizenship of Defendant

9. Defendant, Trisura Specialty Insurance Company, is foreign corporation with its state of incorporation and its principle place of business in the state of Oklahoma. As such, Trisura Specialty Insurance Company is a citizen of Oklahoma.
10. Defendant, Jose Perez, is an individual of the age of majority residing in and domiciled in Miami Florida. As such, Jose Perez, is a citizen of Florida.
11. Defendant, Gregpol Express, Inc., is a foreign corporation with its state of incorporation and principal place of business in the state of Florida. As such, Gregpol Express, Inc., is a citizen of Florida.
12. Based on the foregoing, plaintiff nor defendants are citizens of the same state.
13. Therefore, complete diversity of citizenship exists between Plaintiff and Defendants in this lawsuit under 28 U.S.C § 1332(a).

B. Amount in Controversy

14. The amount in controversy in this action exceeds \$75,000.00, exclusive of costs and interest.

15. A defendant's notice of removal "need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold." *Dart Cherokee Basin Operating Co., v. Owens*, 135 S.Ct. 547, 554 (U.S. 2014).
16. The amount in controversy in this matter is satisfied as the Plaintiffs' petition alleges that Plaintiff, Kaylyn Nicole LaFleur, sustained injuries to her body as a whole, but not limited to, her back and her cervical, thoracic and lumbar spine. Plaintiff, J'Kaylin Michah Duhon, alleges to have to have sustained injuries to her body as a whole, consisting of, but not limited to her cervical, thoracic and lumbar spine, and suffers with dizziness. Plaintiff, Kaitlyn Jade Duhon, alleges to have sustained injuries to her body as a whole, consisting of, but not limited to her cervical, thoracic, and lumbar spine. Plaintiff, Justin Michael Duhon, Jr., alleges to have sustained injuries to his body as a whole, consisting of, but not limited to his cervical, thoracic, and lumbar spine.
17. Plaintiffs further allege damages arising from the accident incurred past, present and future medical expenses. Past, present and future physical pain and suffering, mental anguish, inconvenience, and loss of enjoyment of life.
18. Plaintiff, Kaylyn Nicole Lafleur, alleges to have incurred past, present and future lost wages and loss of earning capacity.
19. Plaintiff, Justin Michael Duhon, alleges to have incurred past, present, and future loss of consortium, service, and society of his wife, Kaylyn Nicole Lafleur.
20. Accordingly, the amount in controversy exceeds the sum of \$75,000.00, exclusive of costs and interests.

III. TIMELINESS OF REMOVAL

21. Under 28 U.S.C. § 1446(b), this Notice of Removal is timely when filed within thirty (30) days of the date the Defendants received Plaintiff's Petition for Damages.

22. Upon information and belief, Service of Process was made on defendant, Trisura Specialty Insurance Company on January 28, 2022.
23. Upon information and belief, Service of Process has not been made on defendant, Gregpol Express, Inc.
24. Upon information and belief, Service of Process has not been made on defendant, Jose Perez.
25. Therefore, this Notice of Removal is being filed within thirty (30) days of Defendants' receipt of Plaintiff's Petition for Damages.

IV. Other Procedural Requirements

26. Defendants file this Notice of Removal in the United States District Court for the Western District of Louisiana, Lake Charles Division, which is the district and division within which the State Court Action is pending. *See*, 28 U.S.C. § 1441(a); 28 U.S.C. § 98(c).
27. Immediately following the filing of this Notice of Removal, written notice of the filing of this Notice of Removal will be served on Plaintiff's counsel, as required by 28 U.S.C. § 1446(d).
28. Defendants will promptly file a copy of this Notice of Removal with the Clerk of Court for the 14th Judicial District Court, Calcasieu Parish, Louisiana where the State Court Action was pending, as required by 28 U.S.C. § 1446(d).
29. By removing this action to this Court, Defendants do not waive any defenses, objections, or motions available under state or federal law.

V. Conclusion

For these reasons, Defendants, TRISURA SPECIALTY INSURANCE COMPANY, GREGPOL EXPRESS, INC., and JOSE PEREZ, hereby remove the State Court Action to the United States District Court for the Western District of Louisiana, Lake Charles Division, in

accordance with 28 U.S.C. § 1441 and 1446. Defendants respectfully request that this Court assume jurisdiction over this action and that all further proceedings in the State Court be stayed.

Respectfully submitted,

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COUNSEL FOR TRISURA SPECIALTY
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EXPRESS, INC., AND JOSE PEREZ

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing was filed with the United States District Court for the Western District of Louisiana by electronic case filing/case management and that a copy of the same was served on opposing counsel by either electronic notification or by U.S. mail, postage pre-paid.

Shreveport, Louisiana, this 16 day of February, 2022.



Of Counsel